

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
or Suspension of the Educator)	ORDER OF
Certificate of Tyesha N. Barber)	SUMMARY SUSPENSION
Certificate 228374)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2008. In accordance with S.C. Code Ann. § 1-23-370(c) (2005), the State Department of Education (Department) requested that the State Board summarily suspend the educator certificate of Tyesha N. Barber, certificate 228374, as a result of her arrest on February 10, 2008, in Greenville, South Carolina. Mrs. Barber was charged with one count of marijuana possession with intent to manufacture, first offense as a result of allegations that Mrs. Barber was growing thirteen marijuana plants in her closet at her apartment. The Department has reason to believe that, due to the serious nature of the allegations of misconduct against her, Mrs. Barber poses a threat to the public health, safety, or welfare of students. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mrs. Barber's educator certificate until a due process hearing is held and/or this matter is otherwise resolved. The Department is directed to serve notice on Mrs. Barber of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Mrs. Barber holds a professional educator certificate and has one year of teaching experience. Mrs. Barber was employed by the Greenville County School District as an honors English teacher at Southside High School in Greenville, South Carolina, but is currently on leave from the school district. On February 10, 2008, it is alleged that Mrs. Barber called the Greenville County Sheriff's Office stating her

husband had assaulted her. Greenville County Sheriff Deputy Officers (Officers) responded to the call from Mrs. Barber of the alleged criminal domestic violence. The Officers met Mrs. Barber outside of her apartment. Mrs. Barber gave the Officers permission to enter her apartment and gave them the key to her apartment and told the Officers that she thought her husband was still inside. During the proactive sweep of the apartment, the Officers discovered thirteen marijuana plants growing in the bedroom closet. The Officers asked Mrs. Barber whether she was aware of the plants growing in the closet. Mrs. Barber informed the Officers that she was aware of the plants. Mrs. Barber was arrested and charged with marijuana possession with the Intent to manufacture, first offense. These allegations are based upon an investigation conducted by the Greenville County Sheriff's Office. As a result of these allegations and subsequent arrest, the State Board finds Mrs. Barber poses a threat to the public health, safety and welfare of students and that emergency action is required.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, crime against the law of this State or the United States, any conduct involving moral turpitude and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2006). In accordance with S.C. Code Ann. § 1-23-370(c) (2005), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that emergency action is required as there is reason to believe that Mrs. Barber poses a threat to the public health, safety and welfare of students. Accordingly, the State Board summarily suspends

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Mrs. Barber's educator certificate until a due process hearing is held and/or this matter is otherwise resolved.

South Carolina State Board of Education

By:


Al Simpson, Chair

Columbia, South Carolina
April 9, 2008